

Remarks

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. By this amendment, claims 1-14 and 20 are amended. These amendments to the claims constitute a bona fide attempt by applicant to advance prosecution of the application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the specification (e.g., page 5, lines 20-23), figures (e.g., FIG. 1), and claims and thus, no new matter has been added. Claims 1-20 are pending.

Rejections Under 35 U.S.C. § 101

Claims 1-13 and 20 were rejected under 35 U.S.C. § 101 as allegedly being directly and/or indirectly related to a computer program and/or a computer software application. These rejections are respectfully, but most strenuously, traversed.

The Office Action states that “computer-readable signal-bearing media” is not considered patentable subject matter. Applicants note that similar claim language appears in US Patent 7,072,824 (claims 11-17), US Patent 6,904,596 (claims 14-17), and US Patent 6,754,771 (claims 14-20), and other issued patents. Additionally, applicants respectfully note that claims 14-20 of US Patent 6,754,771 to Vincent recite a “computer-readable signal-bearing medium” and is described in col. 9, lines 14-33. Accordingly, applicants believe claim 20 to be statutory subject matter.

Additionally, the claims have been amended to recite an “application server” instead of an “application server component.” Support for this amendment is found in the application server 106 of FIG. 1, with recordable data storage medium 112.

Withdrawal of the § 101 rejection is therefore respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 5-7, 11, 14-15, and 17-20 were rejected under 35 U.S.C. § 103(a) as allegedly being anticipated by Bravo et al. (U.S. Patent Appl. Pub. No. 2002/0177433; "Bravo") in view of Hymel et al. (U.S. Patent Appl. Pub. No. 2004/0180648; "Hymel"). Claims 4 and 16 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bravo and Hymel in view of Klensin et al. (U.S. Patent Appl. Pub. No. 2003/0191971; "Klensin"). Claims 8-9 and 13 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bravo and Hymel in view of Barak et al. (U.S. Patent Appl. Pub. No. 2002/0126821; "Barak"). Claims 10 and 12 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bravo and Hymel in view of Barnes (U.S. Patent Appl. Pub. No. 2005/0136949). These rejections are respectfully, but most strenuously, traversed.

Applicants respectfully submit that the Office Action's citations to the applied references, with or without modification or combination, assuming, *arguendo*, that the modification or combination of the Office Action's citations to the applied references is proper, do not teach or suggest the application server that serves to maintain the communication session restrictions, set by the first user, for the mobile communication device used by the second user, where the first user and the second user share the billing relationship, as recited in applicants' independent claim 1.

For explanatory purposes, applicants discuss herein one or more differences between the claimed invention and the Office Action's citations to Bravo, Hymel, Klensin, Barak, and Barnes. This discussion, however, is in no way meant to acquiesce in any characterization that

one or more parts of the Office Action's citations to Bravo, Hymel, Klensin, Barak, and Barnes correspond to the claimed invention.

Bravo, Klensin, Barak and Barnes fail to disclose the above limitation, as described in the previous responses. The Office Action suggests a combination of Hymel with Bravo. However, Hymel also fails to disclose the limitation. Additionally, a combination of Hymel with Bravo would destroy the intended purpose of Hymel.

Hymel discloses the controller 207 (FIG. 2) for the communications device 101, 103, or 105 (paragraph 19). The communications device is arranged for controlling services at an other communications device. The memory 215 of the communications device includes space for service constraints 221, which includes limits on voice or data activities as well as allowed and disallowed targets identified by phone numbers or email addresses as well as predefined sets or packages of limits (paragraph 24). Accordingly, Hymel discloses an individual communication device which handles service constraints on its own. In contrast, applicants' claim 1 recites that the application server maintains the communication session restrictions. Hymel fails to disclose the application server that serves to maintain the communication session restrictions, set by the first user, for the mobile communication device used by the second user, where the first user and the second user share the billing relationship.

Additionally, removing the capability of service constraints from the controller 207 (communication device) and placing it in the radio access network 107 would destroy the intended function of Hymel. Accordingly, the §103 combination of Hymel with Bravo is improper.

Accordingly, the Office Action's citation to Hymel fails to satisfy at least one of the limitations recited in applicant's independent claim 1.

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The Office Action's citations to Bravo, Hymel, Klensin, Barak, and Barnes all fail to meet at least one of applicants' claimed features. For example, there is no teaching or suggestion in the Office Action's citations to Bravo, Hymel, Klensin, Barak, and Barnes of the application server that serves to maintain the communication session restrictions, set by the first user, for the mobile communication device used by the second user, where the first user and the second user share the billing relationship, as recited in applicants' independent claim 1.

For all the reasons presented above with reference to claim 1, claims 1, 14, and 20 are believed neither anticipated nor obvious over the art of record. The corresponding dependent claims are believed allowable for the same reasons as independent claims 1, 14, and 20, as well as for their own additional characterizations.

Withdrawal of the § 103 rejections is therefore respectfully requested.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney or agent.

Respectfully submitted,



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